

Defendants-Appellees.

[illegible]

ORDER

BEFORE: BOGGS, Chief Judge; MARTIN, BATCHELDER, DAUGHTREY, MOORE, COLE, CLAY, GILMAN, GIBBONS, ROGERS, SUTTON, MCKEAGUE, and GRIFFIN, Circuit Judges.

The court having considered the petition of the defendants-appellees for rehearing en banc of the December 1, 2006 order of a panel of the court granting the plaintiff-appellant's motion for a stay of execution, and

Less than a majority of the non-recused* judges in active service having favored en banc review;

It is ORDERED that the petition for rehearing en banc is hereby DENIED.

ENTERED BY ORDER OF THE COURT

/S/ Leonard Green

Leonard Green, Clerk

* Judge Cook recused herself in this case.